

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Vijay R. Basani et al.)
Serial No.: 10/828,431)
Filed: April 20, 2007)
For: METHOD AND APPARATUS FOR)
DYNAMIC RESOURCE DISCOV-)
ERY AND INFORMATION IN A)
DATA NETWORK)
Examiner: Le Hien Luu
Art Unit: 2141

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

I, A. Sidney Johnston, represent that I am an attorney of record for this application.

The Assignee of this application is Network Appliance, Inc. (the "Assignee"), whose business address is Network Appliance, Inc. The extent of the Assignee's interest is the whole of the invention.

On behalf of the Assignee, I hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of United States Patent No. 6,748,447 as heretofore shortened by any terminal disclaimer, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 6,748,447, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee and its successors or assigns.

This disclaimer applies to any terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full term of United States Patent No. 6,748,447, as shortened only by any heretofore-entered

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terminal disclaimer, and not by any subsequent disclaimer, expiration for failure to pay a maintenance fee; finding of unenforceability or invalidity, cancellation by a reexamination certificate, or other earlier termination, except for the separation of legal title stated above.

30 August 2007
Date

A. Sidney Johnston
A. Sidney Johnston